



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB - 8 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jeoffrey L. Burtch, Esq.
Chapter 7 Panel Trustee
Cooch and Taylor
The Brandywine Building
1000 West Street, 10th Floor
P.O. Box 1680
Wilmington, Delaware 19899-1680

Re: CERCLA Off-Site Rule: Notice of Unacceptability for
IMPACT Services, Inc.
Oak Ridge, Roane County, Tennessee
EPA I.D. Number TNR 000 029 470
TDEC Radiological Material License No. R-73024

Dear Mr. Burtch:

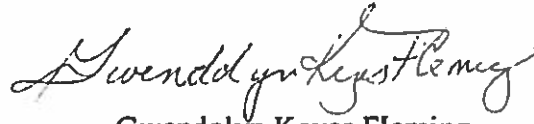
This letter is to notify you that the U.S. Environmental Protection Agency is rescinding its Determination of Acceptability, issued on September 8, 2009, for the IMPACT Services, Inc. (IMPACT) facility, located at 103 Palladium Way, in Oak Ridge, Roane County, Tennessee. This Determination of Acceptability rendered the IMPACT facility acceptable for the receipt of off-site waste generated as a result of removal or remedial activities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 et seq.

On September 22, 1993, the EPA amended the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300, by adding Section 300.440, now known as the Off-Site Rule. The Rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), 42 U.S.C. § 9621(d)(3). The Off-Site Rule establishes criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. Included within these procedures is a process for facilities to seek reconsideration of a determination of unacceptability. See 40 C.F.R. § 300.440(d). A copy of the Off-Site Rule is enclosed for your reference.

Prior to ceasing operations on May 18, 2012, IMPACT operated a radioactive waste processing facility located in Eastern Tennessee, at latitude 35° 56.392' north and longitude 84° 24.494' west. While operational, IMPACT provided decontamination services, waste stream inspection and characterization services, volume reduction, thermal processing, waste sorting and waste segregation services. IMPACT held a Radiological Material License No. R-73024 and a construction air permit, both issued and administered by the Tennessee Department of Environment and Conservation (TDEC). IMPACT was also a conditionally exempt small quantity generator of hazardous waste with the EPA Identification Number TNR 000 029 470.

If you have any questions concerning this notice, please contact Paula A. Whiting, of my staff, by phone at (404) 562-9277, or by email at whiting.paula@epa.gov.

Sincerely,

A handwritten signature in cursive script, reading "Gwendolyn Keyes Fleming".

Gwendolyn Keyes Fleming
Regional Administrator

Enclosure

cc: Dale R. Dube, Esq., Cooch and Taylor
Mark E. Felger, Cozen O'Connor
Revendra Awasthi, TDEC Knoxville Field Office



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SEP - 8 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Sammy Jones
Chief Operating Officer
IMPACT Services, Inc.
103 Palladium Way
Oak Ridge, Tennessee 37830

SUBJ: CERCLA Off-Site Rule: Affirmative Determination of Acceptability
for IMPACT Services Inc., Oak Ridge, Tennessee

Dear Mr. Jones:

The U.S. Environmental Protection Agency (EPA) has made an affirmative determination of acceptability for the receipt of off-site waste at IMPACT Services Inc. 103 Palladium Way, Oak Ridge, Tennessee (IMPACT). Pursuant to 40 C.F.R. § 300.440(a)(4), EPA has completed an initial assessment of IMPACT and finds the facility acceptable for the receipt of off-site waste. Such off-site wastes are defined as those wastes generated as a result of activities authorized pursuant to, or funded by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

On September 22, 1993, EPA amended the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. Part 300, by adding Section 300.440, now known as the Off-Site Rule (OSR). The rule implements and codifies the requirements contained in CERCLA Section 121(d)(3). The OSR establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard.

The OSR requires that prior to a facility's initial receipt of CERCLA wastes, EPA shall determine if there are relevant releases and/or violations at the facility. EPA believes affirmative determination of "compliance" and "control of releases" is necessary before a facility may be deemed acceptable for the receipt of CERCLA wastes.

IMPACT is a radioactive waste processing facility located in Eastern Tennessee, at Latitude N 35° 56.392' and Longitude of W 084° 24.494'. IMPACT provides the following; decontamination services, waste stream inspection, and waste characterization services, volume reduction, thermal processing, waste sorting and waste segregation. IMPACT has a radioactive waste management permit, and a construction air permit issued and administered by the Tennessee Department of Environment and Conservation (TDEC).